

1
2
3
4 IN RE TELESCOPES ANTITRUST
5 LITIGATION
6
7

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

**DISCOVERY MANAGEMENT ORDER
AND REQUEST FOR VIEWS RE
APPOINTMENT OF SPECIAL
MASTER**

Case No. 20-cv-03639-EJD (VKD)
Case No. 20-cv-03642-EJD (VKD)

14 Further to the Court's discussion with the parties during the hearing on November 8, 2022,
15 the Court orders as follows:

16 1. The parties shall confer and agree on a regular day and time for a weekly conference
17 regarding discovery matters, to continue as long as discovery disputes remain outstanding. The
18 parties should also discuss the expected duration of such conferences and a procedure for ensuring
19 that the discussion time is allocated fairly between opposing sides. Such a procedure should
20 ensure that the time available is not unfairly consumed by one side addressing its interests, leaving
21 insufficient time to address the other side's interests. The Court encourages the parties to
22 document their agreement on how to proceed in the form of a stipulation to avoid unnecessary
23 disputes going forward.

24 2. In the future, if a discovery dispute concerns both DPPs and IPPs on one side and
25 Defendants on the other, any discovery dispute submission the parties make must seek to avoid
26 duplication of argument by Plaintiffs, and Plaintiffs' *side* should limit its portion of the argument

to a total of 1500 words.¹ However, if DPPs or IPPs need to make unique arguments that are not shared by all Plaintiffs, they may do so even if those unique arguments would put the Plaintiffs' side over the 1500-word limit. However, in that case, Defendants shall have an argument word limit that matches the total number of words Plaintiffs have used in their portion of the argument.

3. Given the number and frequency of discovery disputes that the parties anticipate will require expeditious resolution, the Court directs the parties to confer and to jointly advise the Court of their respective positions regarding whether a special master should be appointed for purposes of resolving some or all of the pending or anticipated discovery disputes. *See* Fed. R. Civ. P. 53. The parties shall jointly advise the Court of their views on this question no later than November 21, 2022.

IT IS SO ORDERED.

Dated: November 9, 2022

Virginia K. Demarchi
VIRGINIA K. DEMARCHI
United States Magistrate Judge

¹ See section 4 of Judge DeMarchi's Standing Orders for Civil Cases, available at: <https://cand.uscourts.gov/wp-content/uploads/judges/demarchi-vkd/>